

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MLC INTELLECTUAL PROPERTY, LLC,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,

Defendant.

Case No. [14-cv-03657-SI](#)

**ORDER RE: ITC INVESTIGATION  
DOCUMENTS**

Re: Dkt. No. 262

On January 11, 2019, the Court held a hearing on defendant's motion to compel production of documents regarding the ITC investigation of the '571 patent. Micron seeks an order compelling MLC "to have produced, or consent to the production of, any responsive non-privileged [ITC] Investigation documents that may contain MLC's confidential information." Dkt. No. 262. As discussed at the hearing, it is the Court's view that Mr. Banks' ITC testimony should be produced. To the extent that Mr. Banks' testimony contains confidential information, such information would be subject to the protective order in this case.


At the hearing, counsel for MLC stated that it does not have possession, custody or control over Mr. Banks' ITC testimony. Micron has subpoenaed the relevant ITC-related documents from McKool Smith, the law firm that represented MLC and BTG during the ITC Investigation, and Micron has also subpoenaed the documents directly from the ITC. Micron has moved to enforce those subpoenas in the Northern District of Texas and the District of Columbia, and it is presently unclear whether those enforcement actions will be transferred to this Court.

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Accordingly, the Court concludes that there is no relief that this Court can currently grant. If the subpoena enforcement actions are transferred to this Court, the Court will resolve those matters as appropriate.

**IT IS SO ORDERED.**

Dated: January 14, 2019

  
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SUSAN ILLSTON  
United States District Judge